



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

www.uspto.gov

AUG - 1 2006

In re Application of KANEKO, RYOJI

Appl. No.: 10/709,971

Filed: June 10, 2004

For: BRUSH TYPE DC ELECTRIC MOTOR

**PETITION TO ENTER
AMENDMENT AFTER
FINAL REJECTION**

37 CFR 1.181

This is in response to applicant's petition filed 12/20/05, and re-filed on 3/19/06, requesting that the examiner be directed to enter the amendment after final rejection filed 12/5/05.

Applicants' petition is DENIED.

Petitioner states that the examiner, in the Final Rejection mailed 9/20/05, for the first time stated his reading of claim 1 as "the flow through each coil was in opposite directions 'upon rotation'". Petitioner argues that the amendment filed 12/5/05, which added that this opposite flow was "instantaneous", would overcome the prior art made of record, or at least simplify issues for appeal. The examiner, in an Advisory Action mailed 12/19/05, stated that the addition of "instantaneous" to the claims was a new issue that would require further consideration and/or search, and declined to enter the amendment.

As the petitioner is not arguing the propriety of the finality of the office action mailed 9/20/05, the only question is whether the amendment of 12/5/05 should be entered. A review of the record shows that the desired changes do, in fact, alter the scope of the claimed invention and create a new issue requiring further search and consideration. As such, the examiner properly denied entry of the amendment, as noted in the aforementioned Advisory Action.

Inquiries concerning this decision should be directed to Supervisory Patent Examiner Darren Schuberg at (571) 272-2044.

Richard Seidel
Director

Patent Examining Technology Center 2800

Application/Control Number: 10/709,971

Art Unit: 2834

Page 2

ERNEST A. BEUTLER, ATTORNEY AT LAW
10 RUE MARSEILLE
NEWPORT BEACH, CA 92660